

1 Remarks

2 The application being filed herewith is a continuation application of co-pending
3 U.S. Patent Application Serial No. 10/076,804, filed February 16, 2002 ("the Parent
4 Application").

5
6 Amendments to the specification

7 The specification filed herewith is to be amended as set forth above.
8 Specifically, a "Cross Reference to Related Applications" section has been added at
9 page 1 to assert the continuation status of the application, as set forth above. No
10 new matter has been added to the specification.

11
12 Amendments to the claims

13 Claims 7, 10, 11, 17 and 18 have been amended as set forth above. These
14 amendments essentially consist of:

- 15 • amending originally dependent claims 7, 10 and 17 to place them in
16 independent form, to include the limitations of the base claim, and any
17 intervening claims, from which they originally depended;
- 18 • adding to claim 11 the limitation that, "the first removable barrier and the
19 second removable barrier are configured to be separately removable"; and
- 20 • changing the dependency of claim 18 to remove a dependency from a now-
21 cancelled claim.

22 No new matter has been added to the claims.

23
24 Previous Rejection of Claims under 35 U.S.C. § 102

25 In the Parent Application, in an Office action dated July 9, 2003, claims 7, 10-
12, 17 and 18 were rejected under 35 U.S.C. § 102 as being anticipated by U.S.
Patent No. 4,607,938 (Hosoi et al.).

1 The Applicants respectfully disagree that claims 7, 10-12, 17 and 18 are
2 anticipated by Hosoi et al.

3 As a starting point, the PTO and the Federal Circuit provide that §102
4 anticipation requires each and every element of the claimed invention to be
5 disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d
6 1655 (Fed. Cir. 1990)). The corollary of this rule is that the absence from a cited
7 §102 reference of any claimed element negates the anticipation. (*Kloster*
8 *Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.
9 1986)). Furthermore, “[a]nticipation requires that all of the elements and limitations
10 of the claims are found within a single prior art reference.” (*Scripps Clinic and*
11 *Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010
12 (Fed. Cir. 1991 (emphasis added))). Moreover, the PTO and the Federal Circuit
13 provide that §102 anticipation requires that there must be no difference between the
14 claimed invention and the reference disclosure. (*Scripps Clinic and Research Found.*
15 *v. Genetech, Inc.*, *id.* (emphasis added))). Accordingly, if the Applicants can
16 demonstrate that any one element or limitation in claims 7, 10-12, 17 and 18 is not
17 disclosed by Hosoi et al., then the respective claim(s) must be allowed.

18
19 With respect to claim 7, that claim has been amended to place it in
20 independent form, and to include the limitations of claim 1, from which it originally
21 depended. Claim 7 includes the following limitations:

22
23 An imaging media cartridge comprising:
24 a first imaging media reservoir chamber;
25 a second imaging media reservoir chamber; and
... and wherein:

1 the first imaging media reservoir chamber is defined by a first
2 volume;

3 the second imaging media reservoir chamber is defined by a
4 second volume; and

5 the second volume is ten percent or less of the first volume.

6 (Emphasis added.)
7

8 Hosoi et al. does not provide for an imaging media cartridge where any one
9 chamber is one-tenth (or less) of the volume of any other chamber, as is required by
10 Applicants' claim 7. Viewing Fig. 7 of Hosoi et al. (using Applicant's copy of Hosoi et
11 al.), chamber 5 is the largest chamber and has a cross sectional area of about
12 2134 mm². Chamber 22 is the second largest chamber and has a cross sectional
13 area of about 975 mm² (using Applicant's copy of Hosoi et al.). Finally, chamber 27
14 is the third largest chamber and has a cross sectional area of about 585 mm² (using
15 Applicant's copy of Hosoi et al.). Accordingly, the ratio of chamber 27 to chamber 5
16 is about 585:2134, or about 0.27. The ratio of chamber 22 to chamber 5 is about
17 975:2134, or about 0.46. It will be appreciated that any scaling of Hosoi et al's Fig. 7
18 will produce the same ratios, and therefore the final ratios are independent of the
19 particular rendered image of Hosoi et al's Fig. 7 used for these calculations. It will
20 further be appreciated that such ratios are dimensionless. It is reasonable to
21 assume that the toner cartridge depicted in Hosoi et al's Fig. 7 is of a common depth
22 (i.e., dimension into the sheet), there being no reason to assume otherwise. If these
23 ratios of cross sectional areas are multiplied by a common depth (of unitless
24 dimension 1), then the volume ratios of Hosoi et al's chambers 27 and 22 to the
25 largest chamber (chamber 50) are respectively about 0.27 and 0.46, or about 27%
and 46%. Thus, in no case is the ratio of any of the two smaller chambers of Hosoi

1 et al's cartridge less than or equal to 10% of the volume of the largest chamber, as is
2 required by Applicants' claim 7.

3 For at least this reason the Applicants contend that claim 7 is not anticipated
4 by Hosoi et al.

5 With respect to claim 10, that claim has been amended to place it in
6 independent form, and to include the limitations of claims 1 and 9, from which it
7 originally depended. Claim 10 includes the following limitations:

8
9 An imaging media cartridge comprising:

10 a first chamber [that] contains a first volume of imaging media;

11 [a] second chamber [that] contains a second volume of imaging
12 media;

13 a removable barrier disposed between the first imaging media
14 reservoir chamber and the second imaging media reservoir chamber;
15 and

16 the second volume of imaging media is less about ten percent
17 of the first volume of imaging media.

18 (Emphasis added.)
19

20 As described above with respect to claim 7, there is no smallest chamber in
21 any apparatus described by Hosoi et al. which is any less than 25% of the volume of
22 the largest chamber. While it is conceivable that one of the chambers of Hosoi et al.
23 could be partially filled to result in a second volume of imaging media being less than
24 about 10% of the volume of imaging media in a first chamber, neither reference
25 describes doing this, as is required by Applicant's claim 10. It is noted that the
purpose of Applicants' invention is to provide an auxiliary chamber for imaging media

1 to be used when the primary chamber becomes depleted, to thereby provide a
2 limited supply of imaging media (see page 4 lines 16-23).

3 For at least this reason the Applicants contend that claim 10 is not anticipated
4 Hosoi et al.

5 With respect to claim 11, that claim (as amended) includes the following
6 limitations:

7
8 An imaging media cartridge comprising:

9 a first imaging media reservoir chamber;

10 a second imaging media reservoir chamber;

11 a distribution chamber;

12 a first removable barrier disposed **immediately** between the
13 first imaging media reservoir chamber and the distribution chamber;

14 a second removable barrier disposed **immediately** between the
15 distribution chamber and the second imaging media reservoir
16 chamber; and

17 wherein the first removable barrier and the second removable
18 barrier are configured to be separately removable.

19 (Emphasis added.)
20

21 Support for the amendments to claim 11 is found in the specification at page 4
22 lines 19-21, page 5 lines 31-33, page 6 lines 25-31, and in Figs. 2 and 4.

23 As can be seen by Applicant's Fig. 2, the first removable barrier 136 is
24 disposed immediately between the first chamber 110 and the distribution chamber
25 124, and the second removable barrier 133 is disposed immediately between the
second chamber 112 and the distribution chamber 124. However, as can be seen in
Hosoi et al's Fig. 7, the second removable barrier 20 is not located immediately

1 between the second chamber 22 and the distribution chamber 5, but rather has first
2 chamber 27 disposed in between the two.

3 For at least this reason the Applicants contend that claim 11 is not anticipated
4 by Hosoi et al. Since claim 12 depends from claim 11, claim 12 includes the
5 limitations of claim 11. Accordingly, claim 12 is also allowable over Hosoi et al.

6 With respect to claim 17, that claim includes the following limitations:

7
8 A toner cartridge comprising:

9 a first toner reservoir chamber;

10 a second toner reservoir chamber;

11 a distribution chamber; and

12 wherein the first toner reservoir chamber and the second toner
13 reservoir chamber are configured to be in communication with one
14 another via the distribution chamber. (Emphasis added.)

15
16 The structure recited in claim 17 is generally depicted in Applicants' Fig. 2,
17 which depicts first toner reservoir chamber 110 and second toner reservoir chamber
18 112 in communication with one another via the distribution chamber 124. Hosoi et
19 al. do not show first and second reservoir chambers in communication with one
20 another via a distribution chamber, as required by Applicants' claim 17. As can be
21 seen by Hosoi's Fig. 7, the first toner reservoir chamber 27 is in direct
22 communication with the second toner reservoir chamber 22, and not via the
23 distribution chamber 5.

24 For at least this reason the Applicants contend that claim 17 is allowable over
25 Hosoi et al. Claim 18, which originally depended from claim 15, has been amended
to depend from claim 17. For the same reasons that claim 17 is allowable over
Hosoi et al, claim 18 is also allowable over Hosoi et al.

1 New claims

2 New claims 23-36 have been added. Support for these claims is as follows:

- 3 • New claim 23: original claim 2;
- 4 • New claim 24: Specification, page 5 lines 29-30 and Fig. 4;
- 5 • New claim 25: original claim 3;
- 6 • New claim 26: Specification, page 7 lines 25-27 and Fig. 7;
- 7 • New claim 27: original claim 4;
- 8 • New claim 28: original claim 5;
- 9 • New claim 29: original claim 6;
- 10 • New claim 30: Specification, page 5 lines 20-22 and Fig. 2;
- 11 • New claim 31: original claim 8;
- 12 • New claim 32: original claim 13;
- 13 • New claim 33: original claim 14;
- 14 • New claim 34: original claims 19, 20 and 21;
- 15 • New claim 35: Specification, page 10 lines 21-24 and Fig. 10;
- 16 • New claim 36: Specification, page 10 line 32 – page 11 line 20, and
- 17 Figs. 10 and 11.

18
19 Summary

20 For at least all of the reasons stated above the Applicants believe that claims
21 7, 10-12, 17, 18 and 23-36 are allowable.

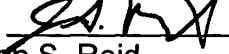
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23 (Continued on next page.)
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1 The Examiner is respectfully requested to contact the below-signed
2 representative if the Examiner believes this will facilitate prosecution toward
3 allowance of the claims.

4
5 Respectfully submitted,

6 Robert Seseek and Travis Parry

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8 Date: August 20, 2003

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